

REMARKS

In the Office Action, the Examiner required a new declaration; rejected claims 1-17 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement; and required a complete listing of the claims.

Applicant amends claims 7-10 to correct minor typographical errors. Claims 1-10 remain pending in the application.

At page 2, with respect to the Supplemental Reissue Declaration filed January 13, 2006, the Office Action asserts “[t]he error in the declaration is insufficient because applicant merely rewrote a new claim into the [identified] declaration [Applicant] must clearly identify a specific claim which has the error, and must clearly set forth the specific claim language wherein lies the error.”

Without conceding that the Declaration filed January 13, 2006 is invalid, Applicant files herewith a fully-executed Second Supplemental Reissue Declaration. The Declaration indicates that Applicant claimed in U.S. Patent 5,926,116 (“the ‘116 Patent”) less than Applicant was entitled to claim, and specifically points to independent claims 1 and 5 of the ‘116 Patent as reciting certain features that are not recited by any of the independent claims currently presented in this reissue application. This type of error is explicitly indicated by 37 C.F.R. § 1.175(a)(1) as an appropriate reason for pursuing a reissue application. In addition, the manner in which the Declaration identifies the error is in accordance with MPEP § 1414(II)(C). Accordingly, Applicant respectfully requests that the Examiner accept the Declaration.

At page 2, the Office Action indicates that the rejection under § 112, first paragraph, is on the basis that Applicant has not “provid[ed] an explanation of where support for all claim changes can be found on the original disclosure.”

In response, Applicant notes that support for the amendments to claims 8-10 filed July 19, 2005 can be found in the original specification, for example, at page 11, line 8 to page 17, line 24 (corresponding to col. 4, l. 27 to col. 6, l. 50 of U.S. Patent 5,926,116) and in Figs. 1-6. Accordingly, Applicant respectfully requests withdrawal of the § 112 rejection.

At page 3, the Office Action requires a complete listing of claims. Accordingly, for the Examiner's convenience, a complete listing of the claims currently pending in this reissue application has been presented above. While the listing uses bracketing and underlining to show the differences between the pending reissue claims and claims 1-5 of U.S. Patent 5,926,116 (see MPEP § 1453), only claims 7-10 are amended herein. Specifically, claims 7 and 8 have each been amended to insert a semicolon at the end of line 13 and an "and" at the end of line 14. Claims 9 and 10 have each been amended to insert an "and" at the end of line 13.

In view of the foregoing, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims. If the Examiner believes a telephone conference would be useful in resolving any outstanding issues, the Examiner is kindly invited to contact the undersigned at 202.216.5118.

Please grant any extensions of time required to enter this response and charge
any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 11, 2009

By: /James D. Stein/
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Attachment:

(1) A fully-executed Second Supplemental Reissue Declaration (4 pages).